



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,178	10/23/2003	Oleg Koutyrine	11884/405901	2622
26646	7590	07/20/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER CHAVIS, JOHN Q	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 07/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/693,178

Applicant(s)

KOUTYRINE ET AL.

Examiner

John Chavis

Art Unit

2193

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1,3-9 and 11-16.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

Continuation of 3. NOTE: The newly added features, for example in claims 1 and 9, raise new issues. For example, the features of "a second memory unit storing a plurality of local runtime objects, each local runtime object including a generation setting set prior to the respective local runtime object's generation and indicating a manner according to which associated with generation of the respective local runtime object's generation was to have been conducted"; would require further search and/or consideration. The applicant further indicates that this newly added information is from claims 2 and 10; however, the information specified appears in neither claim or combination of claims. Also, the "generation setting" does not appear to exist in other claims, except claim 16. However, the timestamp feature, addressed previously, is still considered to read on that version; since, it defines when an item is generated (i.e. generation setting).

The applicant also indicates that his generation settings have nothing to do with "debugging information"; however, see the applicant's specifications section 0001.

The applicant further indicates that no regeneration occurs in Greene's system; however, the feature is considered inherent in object updating (for example, via synchronizations), see section 0002 of the applicant's background. This feature is inherent in Greene's system for synchronization purposes.

Furthermore, the applicant argues that Greene does not teach the runtime object of claim 5; however, objects by definition are runtime items, see the attached Microsoft Computer Dictionary definition. Also, see Greene's col. 3 lines 5-28, col. 14 lines 41-57 and col. col. 26 lines 17-32.

The applicant further indicates that Green does not teach the checksum information of claim 6 or comparing the requested local runtime copy; however, as previously specified Greene provides various information that must inherently be checked for security purposes in order to synchronize copies of data between systems, see col. 1 lines 21-37, col 1 lines 63-col. 2 line 2, col. 2 lines 38-52 and col. 3 line 64-67.

Fuyrthermore, in distributed environments, such as the one taught by Greene, in which registrations occur (generation settings for local runtime objects), col. 51 lines 5-col 52 line 63 for information that may not be available locally (such as the self-healing feature listed in the previous action and col. 53 lines 21-31) to enable access to remote information (col. 62 line 9-col. 63 line 19, such as at a remote server), inherent comparisons (mappings) are made to provide correct information to the correct location (col. 65 lines 30-58, such as a local client) to enable access to required data from the various locations (col. 66 lines 49-58).

Further in reference to claims 6 and 13, Greene's containers include content, his instances includes states and checksums are specified above for sychonization purposes, specifically when dealing with secure data of the type indicated above. Also, not Greene's validations of primary keys in col. 68. The primary keys are also considered pointers which are used to provide for inherent ckecksums via col. 72 line 31-col. 73 line 17 (filters). Greene's version number comparisions are also considered to provide checksums that are used to validate copies of data to enable content and state attributes to match, see col. 74 lines 24-58.

Continuation of 11. does NOT place the application in condition for allowance because: of the reasons cited in the previous action and the Note section of item 3 above.

Continuation of 13. Other: The drawings submitted 6/14/07 have been approved by the examiner.



John Chavis
Primary Examiner AU-2193